

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

**TOMIOKA, Koji**

Serial No.: 10/058,264

Group Art Unit: 2455

Filed: January 29, 2002

Examiner: Nguyen, Thuong

For: **COMPUTER SYSTEM, CPU AND MEMORY INSTALLED APPARATUS,  
AND INPUT/OUTPUT CONTROL APPARATUS**Honorable Commissioner of Patents  
Alexandria, VA 22313-1450  
Box AF**AMENDMENT UNDER 37 CFR 1.116 INCLUDING  
DEMAND FOR WITHDRAWAL OF FINALITY**

Sir:

In response to the Office Action dated July 15, 2009, please amend the above Application as follows:

**INTRODUCTORY COMMENTS**

The Office Action includes a new ground of rejection (e.g., claims 2-12, 14-20 and 22-24 now stand rejected under 35 USC 103(a) as allegedly unpatentable over Mahalingham (US 6,205,503) in view of Horst (US 5,867,501)). The Examiner states on page 10 of the Office Action that "Applicant's amendment necessitated the new ground(s) of rejection", but independent claims 2, 14 and 16 were not even amended in the Amendment filed on May 26, 2009. Instead, Applicant simply pointed out that the Examiner's rejection (e.g., claims 2-12, 14-20 and 22-24 were rejected under 35 USC 103(a) as allegedly unpatentable over Mahalingham (US 6,205,503) in view of Suzuki (US 6,854,081) was improper because Suzuki is not 35 USC 103(a) prior art against the present Application). Therefore, the May 26th Amendment clearly did not "necessitate the new ground(s) of rejection", and the finality of the July 15, 2009 Office Action should be withdrawn.